



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/324,778	06/03/1999	MANABU HYODO	0879-02359	2007

7590 03/27/2003

BIRCH STEWART KOLASCH & BIRCH  
P O BOX 747  
FALLS CHURCH, VA 22040

EXAMINER

MOE, AUNG SOE

ART UNIT	PAPER NUMBER
----------	--------------

2612

DATE MAILED: 03/27/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/324,778

Applicant(s)

Hyodo

Examiner

Aung Moe

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some\* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 5 6) ☐ Other:

Art Unit: 2612

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, **published** under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 4, 5, 7-8 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Ikeda et al. (US 2002/0110354).

Regarding claim 1, Ikeda '354 discloses a camera (Fig. 6) comprising: an image display for displaying at least **one of** a captured image and a reproduced image (i.e., Figs. 15-22; Page 3, paragraphs 0057+);

a touch panel (18) for determining a pressure applied on a surface thereof, the touch panel being arranged over the image display (i.e., Fig. 6, the elements' 18 and 19; Page 3, paragraph 0068+ and Page 4, paragraphs 0076+); and

Art Unit: 2612

a controller (Fig. 6, the element 14) for controlling operations of the camera according to the pressure determined by the touch panel (i.e., Figs. 15-22; Page 4, paragraphs 0076+ and Page 5, paragraphs 0104+).

Regarding claim 4, Ikeda '354 discloses wherein the image display displays the pressure determined by the touch panel (Figs. 15-22; Page 4, paragraphs 0076+).

Regarding claim 5, Ikeda '354 discloses wherein the image display displays a plurality of operation items (Figs. 15-22); the touch panel determines a position of a touched portion on the surface thereof (i.e., Page 4, paragraphs 0076+); and the controller (14) performs an operation of one of the plurality of operational items corresponding to the position of the touched portion determined by the touch panel (Page 4, paragraphs 0078+).

Regarding claim 7, Ikeda '354 discloses the plurality of operational items include frame forwarding of the reproduced image (i.e., Fig. 19; the element 66); and the controller (14) changes frame forwarding speed according to the pressure determined (i.e., Fig. 6, the element 19) by the touch panel (18) when performing the frame forwarding of the reproduced image (i.e., noted from Fig. 19 that the forward speed of the image display on the display 18 is changed based on the pressure applied to the fast forward button 66 is determined to be changed due to the actuation of the touch panel 18; see Page 4, paragraph 0076 and Page. 5, paragraph 0104).

Regarding claim 8, Ikeda '354 discloses the plurality of operation items include screen scrolling on the image display (i.e., Fig. 15; the element 33); and the controller (14) changes screen scrolling speed according to the pressure determined by the touch panel when performing

Art Unit: 2612

the screen scrolling on the image display (i.e., noted from Fig. 15 that the forward speed of the image display on the display 18 is changed based on the pressure applied to the fast forward button 33 is determined to be changed due to the actuation of the touch panel 18; see Page 4, paragraph 0076 and Page 5, paragraph 0109).

Regarding claim 11, see Examiner's comments with respect to claim 1 as discussed above.

3. Claims 1, 5, 9 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Ikeda (US 2002/0105582).

Regarding claim 1, Ikeda '582 discloses a camera (Fig. 3) comprising: an image display for displaying at least **one of** a captured image and a reproduced image (i.e., Page 3, paragraphs 0050+);

a touch panel (29) for determining a pressure applied on a surface thereof, the touch panel being arranged over the image display (i.e., Fig. 3, the element 29; Page 4, paragraph 0054+ and col. 4, paragraphs 0058+); and

a controller (Fig. 3, the element 26) for controlling operations of the camera (21) according to the pressure determined by the touch panel (i.e., Fig. 3; Page 4, paragraph 0054+ and Page 4, paragraphs 0058+).

Regarding claim 5, Ikeda '354 discloses wherein the image display displays a plurality of operation items (Figs. 5 and 8); the touch panel determines a position of a touched portion on the

Art Unit: 2612

surface thereof (i.e., col. 4, paragraph 0054+ and Page 4, paragraphs 0058+); and the controller (26) performs an operation of one of the plurality of operational items corresponding to the position of the touched portion determined by the touch panel (i.e., Page 4, paragraph 0054+ and Page 4, paragraphs 0058+).

Regarding claim 9, Ikeda '582 discloses wherein the plurality of operation items includes luminance adjustment of the image display (Fig. 8); and the controller (26) changes luminance of the image display according to the pressure determined by the touch panel when performing the luminance adjustment of the image display (i.e., Page 4, paragraphs 0058+ and Page 5, paragraphs 0074+).

Regarding claim 11, see Examiner's comments with respect to claim 1 as discussed above.

4. Claims 1, 4, 5, and 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Ito et al. (U.S. 5,671,014).

Regarding claim 1, Ito '014 discloses a camera (Fig. 1) comprising: an image display (9) for displaying at least **one of** a captured image and a reproduced image (i.e., Fig. 1; col. 2, lines 35+);

a touch panel (11) for determining a pressure applied on a surface thereof, the touch panel being arranged over the image display (i.e., Figs. 2-6; col. 2, lines 50+ and col. 4, lines 30+); and

Art Unit: 2612

a controller (Fig. 1, the element 3) for controlling operations of the camera according to the pressure determined by the touch panel (i.e., Figs. 1 & 7; col. 4, lines 30+).

Regarding claim 4, Ito '014 discloses wherein the image display displays the pressure determined by the touch panel (Figs. 1 and 4-6; col. 3, lines 25+, col. 5, lines 10+ and col. 6, lines 1+).

Regarding claim 5, Ito '014 discloses wherein the image display (9) displays a plurality of operation items (Figs. 8-9B); the touch panel (11) determines a position of a touched portion on the surface thereof (i.e., col. 6, lines 15+); and the controller (3) performs an operation of one of the plurality of operational items corresponding to the position of the touched portion determined by the touch panel (col. 6, lines 4+).

Regarding claim 9, Ito '014 discloses wherein the plurality of operational items includes luminance adjustment of the image display (Fig. 8); and the controller changes luminance of the image display according to the pressure determined by the touch panel performing the luminance adjustment of the image display (i.e., col. 6, lines 15+).

Regarding claim 10, Ito '014 discloses wherein the plurality of operational items includes volume adjustment at audio reproduction (i.e., Fig. 8); and the controller (3) changes volume at the audio reproduction according to the pressure determined by the touch panel when performing the volume adjustment at the audio reproduction (i.e., col. 6, lines 15+).

Regarding claim 11, see Examiner's comments with respect to claim 1 as discussed above.

Art Unit: 2612

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ikeda '354 in view of Cho (U.S. 5,396,287).

Regarding claim 6, it is noted that Ikeda '354 does not explicitly shows that zooming operation item for changing zooming rate according to the pressure determined by the touch panel when performing the zooming as recited in the present claimed invention.

However, it is notoriously well known in the art to include zooming function in the camera for performing the zooming operation. In particular, Cho '287 teaches that it is conventionally well-known in the art at the time of the invention was made to include a zoom operation item in the camera so that the zooming rate may be changed according to the pressure determined by the touch panel when performing the zooming (i.e., Fig. 9-12C; col. 8, lines 40+ - col. 9, lines 20+).

In view of the above, having the system of Ikeda '354 and then given the well-established teaching of Cho '287, it would have been obvious to one having ordinary skill in the art at the



Art Unit: 2612

time the invention was made to modify the system of Ikeda '354 as taught by Cho '287, since Cho '287 suggested in col. 2, lines 40+ that such a modification would obviously enhance the operation parameters of the camera thereby possible to set the operation parameters simply and rapidly.

7. Claims 1-3 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schrock et al. (U.S. 5,923,908) in view of Tani et al (US 2002/0075244).

Regarding claim 1, Schrock '908 discloses a camera (Fig. 3) comprising: a display (22) for displaying operation of the camera (i.e., col. 1, lines 10+);

a touch panel (22) for determining a pressure applied on a surface thereof, the touch panel being arranged over the image display (i.e., Fig. 2, the element 22; col. 3, lines 15+ and col. 5, lines 50+); and

a controller (Fig. 3, the element 30) for controlling operations of the camera (20) according to the pressure determined by the touch panel (i.e., Fig. 2; col. 3, lines 15+ and col. 4, lines 20+).

Furthermore, it is noted that although Schrock '908 shows the use of a display device (22) with the camera, Schrock '908 does not explicitly state that the display device (22) may be used to display at least one of a captured image and a reproduced image as recited in claim 1.

However, displaying at least one of a captured image and a reproduced image on the display device is well-known in the art as evidenced by Tani '244. In particular, Tani '244

Art Unit: 2612

teaches the use of display (100) for displaying at least one of a captured image and a reproduced image so that it would allow the user to easily observe the monitoring object captured by the camera (i.e., page 2, paragraph 0024+ and page 8, paragraph 0147+) thereby optimum use of a display device may be realized.

In view of the above, having the system of Schrock '908 and then given the well-established teaching of Tani '244, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Schrock '908 as taught by Tani '244, since it is clearly obvious that such a modification would obviously enhance the optimum use of the camera's display device and thereby allow the user to easily observe the monitoring object captured by the camera.

Regarding claim 2, Schrock '908 discloses that when the user touches the shutter icon 28 of the touch sensitive screen 22, the controller (30) is capable of determining the pressure applied thereon to perform an image-recording preparation (i.e., col. 4, lines 25+) and performs an image recording in a case that the pressure determined by the touch panel when the user's finger is slid in the direction of the arrow in Fig. 2 (i.e., see col. 3, lines 15+ and col. 4, lines 30+).

In view of the above, it is clearly obvious that both the recording preparation process and recording process in the camera system of Schrock '908 are performed based on the pressure values changed which is determined by the controller (30) (i.e., noted that when the shutter icon 28 is initially touch, the pressure would be obviously less than when the user's finger is slid in

Art Unit: 2612

the direction of the arrow shown in Fig. 2) and Schrock '908 further suggested the use of touch sensitive pressure sensor (i.e., col. 5, lines 50+).

Moreover, Tani '244 also teaches that it is conventionally well-known to use the pressure sensitive touch panel (12) for changing the operation's functions based on the determination of the pressure change. In particular, Tani '244 teaches that the operation of the camera (Fig. 2; the camera 1) may be changed based on the amount of pressure applied on the pressure sensitive touch-panel (12) is changed from lightly depressed to strongly depressed (i.e., page 8, paragraph 0148 and page 13, paragraph 0187).

In view of the above, the combination of Schrock '908 and Tani '244 clearly suggested that it is conventionally well-known in the art to use a pressure sensitive touch panel to control the recording preparation process and the recording process based on the different pressure values are determined by the controller (i.e., see col. 4, lines 25+ of Schrock '908 and page 13, paragraph 0187 of Tani '244) which would provide the advantage of avoiding a camera shake during picture taking as suggested by Schrock '908 (i.e., see col. 5, lines 50+ of Schrock '908).

Regarding claim 3, the combination of Schrock '908 and Tani '244 shows wherein the touch panel determines a position of a touch portion on the surface thereof (i.e., see the Abstract of Schrock '908); and the controller (30) adjusts at least **one of** a focus and an exposure of the camera with respect to a principal subject corresponding to the position of the touch portion determined by the touch panel (i.e., see col. 3, lines 55+ and col. 4, lines 25+ of Schrock '908; Figs. 6-13, page 1, paragraph 0013 of Tani '244).

Art Unit: 2612

Regarding claims 11-12, please see the Examiner's comments with respect to claims 1 and 2.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Wynne, Jr '660 shows a touch sensor with touch pressure capability thereof.
- b. Allport ' 334 shows a display device with touch pressure capability thereof.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Aung S. Moe** whose telephone number is **(703) 306-3021**. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wendy Garber**, can be reach on (703) 305-4929.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

Art Unit: 2612


**(703) 872-9314**, (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to  
the customer service number **(703) 306-0377**.

A. Moe

March 22, 2003



**AUNG S. MOE**  
**PATENT EXAMINER**